IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 23358 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ANILABEN DAHYALAL PATEL
Versus
THE STATE OF GUJARAT AND ANOTHER

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Appearance :
MR KIRIT R PATEL for the Petitioner
Mr Neeraj Soni, ASST. GOVERNMENT PLEADER for Respondents

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 11/09/2007

ORAL JUDGMENT

RULE. Mr Neeraj Soni, learned AGP waives service of Rule for the respondents. At the request of the learned counsel for the parties, the

matter is taken up for final hearing today.

It is the say of the petitioner that her correct name is Anilaben and she was born on 1.5.1974. However, due to some mistake in the Birth Certificate her name is recorded as Ramilaben. When she received the Birth Certificate she came to know about the discrepancy. She, therefore, approached the authority, namely, respondent No.2 for the rectification of the birth certificate, but she was informed by respondent No.2 that he has no power to carry out the correction after 15 years of the birth. The petitioner has, therefore, filed this petition.

I have heard Mr Patel for the petitioner and Mr Neeraj Soni for the respondents. Mr Patel has placed reliance on the judgment delivered by this Court in Special Civil Application No.12822 of 2004 on 8.10.2004. He submitted that in view of the ratio laid down by this Court in the said judgment, respondent No.3 has power to rectify the birth certificate. I have perused the same. The learned Single Judge of this Court, after placing reliance on the decision rendered in the case of Vimal M. Patel v. State of Gujarat, 2001 (3) 2484, has held that Talati cum Mantri can carry out the correction even after lapse of 15 years. Mr Soni is not in a position to controvert this submission.

In view of the same, the following direction is issued:-

Respondent No.2 is directed to entertain the application of the petitioner for rectifying the Birth Register and correct the name of the petitioner as Anilaben Dahyabhai Patel instead of Ramilaben upon scrutiny of the material that may be produced before him and only after finding that the claim of the petitioner is just and proper.

With the aforesaid observation and direction, the petition is partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(Akshay H Mehta, J.)

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